

MICHIGAN SUPREME COURT

State Court Administrative Office



Judicial Resources Recommendations

September 2003
Revised October 2003

I. INTRODUCTION

The State Court Administrative Office (SCAO) has completed its biennial review of the judicial needs of trial courts. The Judiciary is responsible for making recommendations to the Legislature regarding changes in the number of judges (Mich. Const. Art. 6, Sec. 11).

The following recommendations are based on a weighted statistical analysis of the caseload of trial courts, followed by an analysis of additional factors affecting the workload of trial courts, such as the types of cases processed, demographic trends, and the availability of other resources. Additional courts may be reviewed based on the request of the chief judge of a court, the existence of pending legislation regarding judgeships, or as a result of recommendations from prior workload studies.

II. METHODOLOGY

The estimation of judicial workload and a community's need for judges is a complex and multidimensional process. Most states, including Michigan, consider both quantitative and qualitative factors in determining the need for judgeships.

The method for preliminary statistical identification of the need for a change in the number of judgeships was a weighted caseload formula applied to the aggregate new case filings for 2000, 2001, and 2002. Weighted caseload is an approach that attributes a "weight" to different case types to account for varying degrees of judicial effort required for distinct case types. That weight, when applied to new case filings, yields an estimate of the judicial time required to process a caseload. The total judicial time required to process the caseload is then divided by a factor that represents the amount of time available in a judicial year to arrive at the approximate number of judgeships required to process that caseload.

Because the weighted caseload provides a means for distinguishing the varying degrees of effort involved in handling different case types, it provides a significant advantage over the use of unweighted total case filings. The proportions of different caseload types may vary significantly from court type to court type,¹ and from court to court.² Weighting the cases allows for a more precise means of estimating judicial workload when such caseload variations exist.

Approximately one-half of the states use a weighted caseload methodology. There are different approaches to developing weighted caseload formulae. Some formulae have been developed by an expert "Delphi" approach. This approach uses a panel of experts (typically experienced trial judges or others with experience in caseload processing) to estimate the average time required to process different types of cases. The other common approach is to measure actual time spent by all judges or a group of judges over a period of time to process cases or the events that are included in the processing of a case. In some cases, weights are developed using a combination of approaches.

In Michigan, the weighted caseload formula was first developed by the Trial Court Assessment Commission (TCAC), which the Legislature created in 1996. The TCAC conducted a time study

¹ For example, a significant portion of district court caseload consists of traffic cases, making the total number of cases processed in district courts significantly higher than either circuit or probate courts.

² For example, one court may be in a community where few highways exist, leading to relatively fewer traffic cases. While that court may have substantially fewer traffic cases, it may have a higher proportion of civil cases, or misdemeanor cases, which typically require more judicial time than traffic cases.

for a two-month period during 1997 to measure the actual time spent by judges in selected jurisdictions. The results were published in 1998.³ The TCAC contracted with the National Center for State Courts for assistance in developing the weighted caseload formula.⁴

In 2000, because of the implementation of the family division and changes in the jurisdiction of circuit and district courts since the development of the weighted caseload formula, the Michigan Supreme Court directed the SCAO to update the weighted caseload formula through a new study of the time required to process case types.⁵ The SCAO, after making some changes in the time study, conducted a new time study in September and October of 2000. The data collected from the courts participating in the 2000 study were then used to update the weighted caseload formula.

To ensure that short-term, year-to-year variations in new case filings do not unduly affect judicial resource need estimates, caseload data reported by trial courts from the preceding three years (2000, 2001, and 2002) were used for estimating judicial resource needs for this report. This assures that a temporary fluctuation in the caseload for a single year is not given undue weight in the analysis of long-term judicial resource needs.

An additional refinement was implemented during the judicial resource analysis two years ago to account for the demonstrated economy of scale that occurs with the increase in the size of a court. Review of judicial time required to process cases in Michigan courts shows that it typically takes more judicial resources in smaller courts to process cases than in larger courts. This reflects the economies of scale that can often be achieved through the availability of a larger pool of judges to assist one another in the processing of cases and the availability of more specialized staff assistance.⁶ To account for variations in the judicial time required for processing cases based on the relative size of courts, the weighted caseload formula was adjusted across courts based on the relative size of the courts. Thus, larger courts were attributed a smaller relative case weight, yielding a need for relatively fewer judicial resources.

As indicated, the estimation of judicial need is a complicated and multi-faceted process. The Trial Court Assessment Commission indicated that before recommendations are made for the increase or reduction of judgeships, an extended analysis should be conducted by the SCAO of other factors affecting workload. In this study, after preliminary identification of courts that show a need for additional judgeships or fewer judgeships using the weighted caseload formula, an extended analysis was conducted of other factors affecting caseload, such as caseload filing trends and other caseload data, demographic factors, and resource factors.

Selection of Courts for Review

As a general rule, courts that statistically displayed a need for at least one and one-half additional judges or an excess of at least one and one-half judges using the three-year adjusted weighted caseload measure were selected for review. Other courts reviewed included those where the trial

³ Michigan Trial Court Assessment Commission: Recommendations, 1998.

⁴ The National Center for State Courts, based in Williamsburg, Virginia is a non-profit organization dedicated to supporting the nation's state courts through research and technical assistance.

⁵ Since the original time study, the family division has been more fully implemented in circuit and probate courts, changes were made in the jurisdictional limits of circuit and district civil cases, and some felonies were changed to misdemeanors.

⁶ For example, larger courts can employ a pool of law clerks, or perhaps a magistrate and other assistants. Moreover, a larger professional administrative staff will be available to assist with case processing duties that are otherwise handled by a judge.

court requested a review, those where legislation affecting judgeships for the court is pending, or where analyses in prior years suggested further analysis at a later time.

Extended Analysis

Resource recommendations are made only after an *extended analysis* is conducted.

An extended analysis is undertaken of the selected courts using available quantitative and qualitative information, such as: the makeup of the caseload, caseload trends, prosecutor and law enforcement practices, staffing levels, facilities, technological resources, the need for assignments to or from other jurisdictions, demographics and demographic trends, and local legal culture.

Because the operation of the family division of the circuit court requires many probate judges to perform judicial service in the circuit court, the SCAO examined the circuit and probate courts' needs concurrently. Specific recommendations for the circuit or probate bench are made where a permanent change in the number of judges is indicated.

Factors considered in the extended analysis include:

Case related

- Caseload mix (what case types are included in caseload)
- Docket backlog
- Prosecutor and law enforcement practices
- Caseload variations/trends

Resources

- Staffing levels
- Assignments into or out of the court
- Facilities
- Technological resources

Environmental

- Demographics
- Local legal culture

III. SUMMARY

The following table outlines the courts that were included in the secondary analysis. Most of the courts were included in the study because the initial analysis indicated that either there were too many judges or not enough judges in the circuit or district. Other courts were included because the analysis two years ago indicated that the courts needed to be revisited. Two courts, the 3rd Circuit Court in Wayne County and the 90th District Court in Emmet and Charlevoix Counties requested a secondary analysis.

2003 JUDICIAL RESOURCE RECOMMENDATIONS FOR COURTS INCLUDED IN THE SECONDARY ANALYSIS

Court	Recommendation
C03 and Wayne Probate	Retain one circuit judgeship scheduled to be eliminated in 2005, and eliminate one probate judgeship in 2007.
C06 and Oakland Probate	No change in judgeships.
C07 and Genesee Probate	No change in judgeships.
C16 and Macomb Probate	Add one circuit judgeship.
C17 and Kent Probate	Add one circuit judgeship.
C49, Probate District 18, and D77 Mecosta and Osceola Counties	Add one district judgeship.
C55 and Probate District 17 Clare and Gladwin Counties	Add one circuit judgeship.
D08 - Kalamazoo County	Eliminate one district judgeship.
D18 - City of Westland	No change in judgeships.
D22 - City of Inkster	No change in judgeships.
D52 - Oakland County	No change in judgeships.
D63 - Kent County	No change in judgeships.
D67 - Genesee County	No change in judgeships.
D68 - City of Flint	No change in judgeships.
D70 - Saginaw County	Eliminate one district judgeship.
D90 - Charlevoix and Emmet Counties	No change in judgeships.

REVIEW OF COURTS INCLUDED IN THE SECONDARY ANALYSIS

3rd Circuit Court – Wayne County
Probate Court – Wayne County

SUMMARY AND RECOMMENDATIONS:

In the 2001 Judicial Resource Recommendations, we recommended that two circuit judgeships in the 3rd Circuit be eliminated upon vacancies and that the resource needs of the court be reviewed in two years. Instead, the Legislature decided to eliminate one circuit judgeship in 2003, two circuit judgeships in 2005, and one Wayne County probate judgeship in 2005 that will be vacant due to the mandatory retirement of an incumbent probate judge.

Losing the two circuit judgeships scheduled to be eliminated in 2005 could adversely impact the court. More than half the total criminal jury and bench trials in the state occur in Wayne County. Individual dockets, accountability to time standards, and reduction in jail overcrowding demonstrate the progress the 3rd Circuit has made. Losing two judgeships now could set back that progress.

Currently, three probate judges are assigned to assist with the family division of the circuit court. One probate judgeship will be vacant in 2007 due to the mandatory retirement of an incumbent. We recommend that one of the circuit judgeships in the 3rd circuit scheduled to be eliminated in 2005 be reinstated and that the Wayne County probate judgeship that will be vacant due to the mandatory retirement of the incumbent be eliminated by attrition.

From 1990 to 2000 the population of Wayne County declined by 2.4 percent, from 2.11 million to 2.06 million. The population has declined an additional 0.8 percent, or 15,622, since the 2000 census. The population of Detroit has declined by more than 25,000 since the 2000 census. Wayne County is the 11th most populous county in the country.

**Judicial Workload Estimates for the Wayne County Circuit and
Probate Court**

Court	Three Year Adjusted Weighed Caseload	Current Judgeships
C03 and Wayne Probate	69.20	72.00

Judicial Workload Estimates for all Courts Within the 3rd Circuit Court

Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need
Wayne County District Courts	68.10	67.00	1.10
C03 and Wayne Probate	69.20	72.00	-2.80
Wayne County District, C03 and Wayne Probate Courts Total	137.30	139.00	-1.70

6th Circuit Court – Oakland County
Probate Court – Oakland County
Revised 10-22-03

SUMMARY AND RECOMMENDATIONS:

We recommend no change in judgeships for the 6th Circuit Court.

The previous recommendation contained two inaccurate statements regarding the current facilities and practices of the Oakland County courts. While it is true that the circuit court recently obtained two additional judgeships, it does have available accommodations for an additional judge at this time. County officials have not yet formally addressed the issue of supporting the local costs of an additional judgeship. Additionally, while a program did exist wherein circuit judges received help from district judges in Oakland County, that program was discontinued in 2002.

The 6th Circuit Court serves all of Oakland County. From 1990 to 2000, the population of Oakland County increased by 10 percent, from 1.08 million to 1.19 million. From 2000 to 2002, the estimated population of Oakland County increased 0.7 percent, to 1.20 million. Oakland, the most affluent county in the state, ranks as the 30th most populous county in the nation. Its territory includes both the headquarters of major corporations and high crime urban areas, sources of judge-intensive civil and criminal cases.

Oakland County is currently served by 19 circuit court judges and 4 probate court judges, for a total of 23 judges. The weighted caseload estimate of the need for full time equivalent (FTE) judgeships for circuit and probate judgeships is 25.81. There are a total of 33 district judges in Oakland County. The weighted caseload formula estimate of the need for FTE judgeships for district courts is 28.86.

The projected population growth for Oakland County will likely result in increased caseload over time, and accordingly a greater need for judgeships. We do not recommend the addition of a judgeship at the present time in view of the recent decline in caseload, and the fact that the number of all judgeships (including district courts) in Oakland County exceeds the overall weighted caseload estimated need for judgeships for courts in the County. The SCAO will work with the chief judges of County circuit, probate and district courts to provide judicial assistance to the circuit court via judicial assignment.

Judicial Workload Estimates for the Oakland County Circuit and Probate Court		
Court	Three Year Adjusted Weighed Caseload	Current Judgeships
C06 and Oakland Probate	25.81	23.0

Judicial Workload Estimates for all Courts Within the 6th Circuit Court			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need
Oakland County District Courts	28.86	33.00	-4.14
C06 and Oakland Probate	25.81	23.00	2.81
Oakland County District Courts, C06 and Oakland Probate Totals	54.67	56.00	-1.33

**7th Circuit Court – Genesee County
Probate Court – Genesee County**

SUMMARY AND RECOMMENDATIONS:

We recommend no change in judgeships for the 7th Circuit Court.

Currently, Genesee County lacks the physical facilities and other support services to add an additional judge. Furthermore, district court judges assist in managing the circuit caseload.

Genesee County is currently served by 8 circuit court judges and 3 probate court judges, for a total of 11 judges. Pursuant to MCL 600.508 and 600.803, 1 circuit judgeship will be added as of January 1, 2005 and 1 probate judgeship will be eliminated as of January 1, 2005. From 1990 to 2000, the population of Genesee County increased by 1 percent, from 430,459 to 436,141. The estimated population of Genesee County increased by 1.2 percent between 2000 and 2002, to 441,423. Population growth outside the city of Flint accounted for this increase. The following tables provide a more complete picture of judicial resources in Genesee County.

Judicial Workload Estimates for the Genesee County Circuit and Probate Court		
Court	Three Year Adjusted Weighed Caseload	Current Judgeships
C07 and Genesee Probate	13.36	11.0

Court	Three Year Adjusted Weighed Caseload	Current Judgeships	Net Judicial Need
Genesee County District Courts	7.96	12.00	-4.04
C07 and Genesee Probate	13.36	11.00	2.36
Genesee County District Courts, C07 and Genesee Probate Totals	21.32	23.00	-1.68

16th Circuit Court – Macomb County
Probate Court – Macomb County

SUMMARY AND RECOMMENDATIONS:

We recommend an increase of one judgeship for the 16th Circuit Court.

An increasing caseload and increasing population justifies an additional judge.

Macomb County is currently served by 11 circuit court judges and 3 probate court judges, for a total of 14 judges. Pursuant to MCL 600.517 and 600.803, 1 circuit judgeship will be added as of January 1, 2005 and 1 probate judgeship will be eliminated as of January 1, 2005. From 1990 to 2000, the population of Macomb County increased by 10 percent, from 717,400 to 788,149. The estimated population of Macomb County in 2002 was 808,529; a 2.6 percent increase from 2000.

The following tables provide a more complete description of judicial resources in Macomb County.

Judicial Workload Estimates for the Macomb County Circuit and Probate Court		
Court	Three Year Adjusted Weighted Caseload	Current Judgeships
C16 and Macomb Probate	16.39	14.0

Judicial Workload Estimates for all Courts Within the 16th Circuit Court			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need
Macomb County District Courts	17.43	18.00	-0.57
C16 and Macomb Probate	16.39	14.00	2.39
Macomb County District, C16 and Macomb Probate Courts Total	33.82	32.00	1.82

17th Circuit Court – Kent County
Probate Court – Kent County

SUMMARY AND RECOMMENDATION:

We recommend an increase of one judgeship for the 17th Circuit Court.

Although statistical measures indicate that there is a need for more than two additional judges, only one judge is recommended at this time. The court should have a period of time to adjust to the impact on case processing of the addition of two judges in 2003. The addition of one judge and support staff would be more helpful to the processing of cases than two judges at this time.

The 17th Circuit Court serves all of Kent County. From 1990 to 2000, the population of Kent County increased by 15 percent, from 500,631 to 574,335. From 2000 to 2002, the estimated population of Kent County increased another 2.4 percent, to 587,951.

The following tables give further information on the judicial workload in the area served by the 17th Circuit Court. Two new judges began service this year, one in the general trial division and one in the family division. The following tables provide a more complete description of judicial resources in Kent County.

Judicial Workload Estimates for the Kent County Circuit and Probate Court		
Court	Three Year Adjusted Weighed Caseload	Current Judgeships
C17 and Kent Probate	15.32	13.0

Judicial Workload Estimates for all Courts Within Kent County			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need
Kent County District Courts Total	12.45	12.00	0.45
C17 and Kent County Probate	15.32	13.00	2.32
Total Judicial Resources	27.77	25.00	2.77

49th Circuit Court – Mecosta and Osceola Counties
Probate District 18 – Mecosta and Osceola Counties
77th District Court – Mecosta and Osceola Counties

SUMMARY AND RECOMMENDATIONS:

We recommend an additional judgeship for the 77th District Court.

Given the caseload, the growth in population, and the fact that other judges are being assigned to assist the courts in these counties, an additional judgeship should be created for this area. The weighted caseload data for the courts in this circuit show a need for additional resources in both the circuit and district courts. The need for an additional judge is somewhat greater in the circuit court. Local trial court judges and other local officials express a preference for the addition of a district judgeship. In deference to those preferences and in light of the fact that both courts need additional resources, we recommend that an additional district judgeship be added. The judges of the district court will be required to provide assistance to the circuit court.

From 1990 to 2000, the population of Mecosta and Osceola counties increased by 11.0 percent, from 57,454 to 63,750. The estimated population increased by another 1.9 percent, to 64,965, between 2000 and 2002.

The 49th Circuit Court is currently served by 1 circuit court judge. Probate District 18 is served by one probate court judge. The 77th District Court is served by 1 district court judge. The following tables provide a more complete picture of the judicial resources available in the area covered by Mecosta and Osceola counties.

Judicial Workload Estimates for the Mecosta and Osceola Circuit and Probate Court		
Court	Three Year Adjusted Weighed Caseload	Current Judgeships
C49 and PD 18 Courts	3.10	2.0

Judicial Workload Estimates for all Courts Within the 49th Circuit			
Court	Three Year Adjusted Weighed Caseload	Current Judgeships	Net Judicial Need
D77 - Mecosta County	1.07		
D77 - Osceola County	0.84		
D77 - Total	1.91	1.00	0.91
C49 and Probate District 18 - Mecosta	1.77		
C49 and Probate District 18 - Osceola	1.33		
C49 and Probate District 18 Total	3.10	2.00	1.10
Total Judicial Resources	5.01	3.00	2.01

55th Circuit Court – Clare and Gladwin Counties
Probate District 17 – Clare and Gladwin Counties

SUMMARY AND RECOMMENDATIONS:

We recommend an additional judgeship for the 55th Circuit Court.

Given the current caseload and the growth in population in these two counties, an additional judgeship should be created.

From 1990 to 2000, the population of Clare and Gladwin counties increased by 22.3 percent, from 46,848 to 57,275. The estimated population increased another 2.0 percent between 2000 and 2002, to 58,431.

The 55th Circuit Court is currently served by 1 circuit court judge. Probate District 17 is served by one probate court judge. The following tables provide a more complete description of the judicial resources in Clare and Gladwin counties.

Judicial Workload Estimates for the Clare and Gladwin Counties Circuit and Probate Court		
Court	Three Year Adjusted Weighed Caseload	Current Judgeships
C55 and PD 17 Courts	3.08	2.0

Judicial Workload Estimates for all Courts Within the 55th Circuit Court			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need
D80 - Clare	0.96		
D80 - Gladwin	0.98		
D80 - Total	1.94	1.00	0.94
C55 and Probate District 17 - Clare	1.79		
C55 and Probate District 17 - Gladwin	1.29		
C55 and Probate District 17 Total	3.08	2.00	1.08
Total Judicial Resources	5.02	3.00	2.02

8th District Court – Kalamazoo County

SUMMARY AND RECOMMENDATIONS:

We recommend the reduction of one judgeship for the 8th District Court by attrition.

The statistical analysis continues to show an excess of judges in the 8th District Court, in spite of a reversal of the downward five-year trend in total case filings and an increasing population.

The 8th District Court serves Kalamazoo County. It is divided into three election divisions. Between 1990 and 2000, the population of the jurisdictions served by the 8th district increased by 6.8 percent, from 223,411 to 238,603. The estimated population increased to 241,471 in 2002, an increase of 1.2 percent from 2000.

Currently the 8th District Court is served by seven judges. Kalamazoo County also has a total of 8 circuit and probate judges. The following tables provide a breakdown of judicial resources in Kalamazoo County.

Judicial Workload Estimates for the 8th District Court			
Court	One Year Adjusted Weighted Caseload	Three Year Adjusted Weighted Caseload	Current Judgeships
D08 – Kalamazoo County	5.48	5.13	7.0

Judicial Workload Estimates for all Courts Within the 8th District Court			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need
D08 - Kalamazoo County	5.13	7.00	-1.87
C09 and Kalamazoo Probate	7.86	8.00	-0.14
D08, C09, and Kalamazoo Probate Totals	12.99	15.00	-2.01

18th District Court – City of Westland, Wayne County

SUMMARY AND RECOMMENDATIONS:

We recommend no change in judgeships for the 18th District Court.

As a result of a declining caseload and population the 18th District does not need an additional judge.

The 18th District Court serves the city of Westland in Wayne County. Between 1990 and 2000, the population of Westland increased by 2 percent, from 84,724 to 86,602. From 2000 to 2002, the population estimate has fallen to 86,282, a decline of 0.4 percent.

Currently, the 18th District Court has 2 judges. The following table provides a more detailed analysis of the judicial resource needs in the 18th District.

Judicial Workload Estimates for the 18th District Court			
Court	One Year Adjusted Weighted Caseload	Three Year Adjusted Weighted Caseload	Current Judgeships
D18 - City of Westland	2.62	2.65	2.0

22nd District Court – City of Inkster, Wayne County

SUMMARY AND RECOMMENDATIONS:

We recommend no change in judgeships for the 22nd District Court.

Between 1990 and 2000, the population of Inkster decreased by 2.7 percent, from 30,956 to 30,115. The estimated population in 2002 was 29,895, a decline of 0.7 percent from 2000.

Case filings decreased from 1998 to 2000. Overall caseload increased from 2000 to 2002, but the increases were exclusively in traffic and civil cases. New criminal case filings continued to decrease.

Currently one judge and an attorney magistrate serve the 22nd District Court. The following table provides a more detailed analysis of the judicial resources in the 22nd District Court.

Judicial Workload Estimates for the 22nd District Court			
Court	One Year Adjusted Weighted Caseload	Three Year Adjusted Weighted Caseload	Current Judgeships
D22 – City of Inkster	1.59	1.80	1.0

52nd District Court – Oakland County

SUMMARY AND RECOMMENDATIONS:

We recommend no change in the number of judgeships in the 52nd District Court.

While it may appear that there are more judges than necessary serving the 52nd District, there are several reasons to keep the current number of judges. The court serves a growing area of Oakland County. Also, a comparison of the one year adjusted weighted caseload and the three year adjusted weighted caseload indicates a steady increase in the number of cases since 2000.

Currently eleven judges serve the 52nd District court. Three judges sit in division 1 (Novi); two sit in division 2 (Clarkston), three in division 3 (Rochester), and three in division 4 (Troy). The population of Oakland County increased by 10.2 percent from 1990 to 2000. In 2000 the population of Oakland County was 1.19 million, making Oakland County the 30th largest county in the country. In 2002, the estimated population increased to over 1.2 million, an increase of 0.7 percent. The following tables provide a more complete picture of judicial resources in Oakland County.

Judicial Workload Estimates for the 52nd District Court			
Court	One Year Adjusted Weighted Caseload	Three Year Adjusted Weighted Caseload	Current Judgeships
D52 – Oakland County	10.02	9.83	11.0

Judicial Workload Estimates for all Courts Within Oakland County			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Judicial Need
D52 - Oakland County	9.83	11.00	-1.17
Other Oakland County District Courts	19.03	22.00	-2.97
Oakland County District Total	28.86	33.00	-4.14⁷
C06 and Oakland County Probate	25.81	23.00	2.81
Total Judicial Resources	54.67	56.00	-1.33

⁷ Because these judgeships are spread across multiple district courts in Oakland County, there is not an opportunity to reduce a district judgeship in any particular court. In other words, the 4.14 excess judges figure is fractionalized across many district courts in the county, and no single court has an excess number of judges that would warrant a reduction.

63rd District Court – Kent County Michigan

SUMMARY AND RECOMMENDATION:

We recommend no change in judgeships for the 63rd District Court.

Despite an increase in the population, the caseload for the 63rd District Court is stable. Furthermore, the judges of the 63rd District Court have indicated that they are confident that at the present time they can adequately serve the judicial needs of the jurisdiction without adding a third judgeship.

The 63rd District Court serves most of Kent County. It excludes the city of Grand Rapids, Kentwood, Wyoming, Walker, and Grandville. Between 1990 and 2000, the population of the jurisdictions served by the 63rd district increased by 27 percent, from 176,885 to 223,807. From 2000 to 2002 the population continued to increase.

Currently the 63rd District Court is served by two judges. The district court is divided into two election divisions. The following tables provide a more complete description of the total judicial resources in Kent County.

Judicial Workload Estimates for the 63rd District Court			
Court	One Year Adjusted Weighted Caseload	Three Year Adjusted Weighted Caseload	Current Judgeships
D63—Kent County	2.57	2.60	2.0

Judicial Workload Estimates for all Courts Within Kent County			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need
D63 - Kent County	2.60	2.00	0.60
Other Kent County District Courts	9.85	10.00	-0.15
Kent County District Total	12.45	12.00	0.45
C17 and Kent County Probate	15.32	13.00	2.32
Total Judicial Resources	27.77	25.00	2.77

67th District Court – Genesee

SUMMARY AND RECOMMENDATIONS:

We recommend no change in judgeships for the 67th District Court.

A rising caseload coupled with an increasing population precludes a reduction in the number of judges in the 67th District.

The 67th District Court serves all of Genesee County except for the city of Flint. Pursuant to statute, the 67th District Court is divided into four divisions. Currently the 67th District Court is served by six judges. Between 1990 and 2000, the population of Genesee County (excluding Flint) increased by 7.6 percent, from 289,092 to 311,198. From 2000 to 2002, the estimated population of Genesee County (excluding Flint) increased to 319,660, a 2.7 percent increase from 2000. The following tables provide a more complete description of judicial resources in Genesee County.

Judicial Workload Estimates for the 67th District Court			
Court	One Year Adjusted Weighted Caseload	Three Year Adjusted Weighted Caseload	Current Judgeships
D67 –Genesee County	4.72	4.43	6.0

Judicial Workload Estimates for all Courts Within Genesee County			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Judicial Need
D67 - Genesee County	4.43	6.00	-1.57
Other Genesee County District Courts	3.53	6.00	-2.47
Genesee County District Total	7.96	12.00	-4.04
C07 and Genesee County Probate	13.36	11.00	2.36
Total Judicial Resources	21.32	23.00	-1.68

68th District Court – City of Flint, Genesee County

SUMMARY AND RECOMMENDATION:

We recommend no change in judgeships for the 68th District Court.

Given the loss of a judgeship and the current rate of filings, no change in the number of judgeships is recommended. Furthermore, district judges assist in handling the caseload in the 7th Circuit Court, which shows a need for additional judicial resources.

The 68th District Court currently has 6 judges. Pursuant to MCL 600.8134, the court will lose a judgeship upon a vacancy occurring. From 1990 to 2000, Flint's population declined by 11.6 percent, from 141,367 to 124,943. The estimated population declined to 121,763 between 2000 and 2002, a 2.5 percent reduction. The following tables provide a more complete picture of judicial resources in the area in and around the 68th District Court.

Judicial Workload Estimates for the 68th District Court			
Court	One Year Adjusted Weighted Caseload	Three Year Adjusted Weighted Caseload	Current Judgeships⁸
D68 – City of Flint	3.54	3.53	6.0

Judicial Workload Estimates for all Courts Within Genesee County			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Judicial Need⁹
D68 - City of Flint	3.53	6.00	-2.47
Other Genesee County District Courts	4.43	6.00	-1.57
Genesee County District Total	7.96	12.00	-4.04
C07 and Genesee County Probate	13.36	11.00	2.36
Total Judicial Resources	21.32	23.00	-1.68

⁸ This court is scheduled to lose a judgeship. The number of judgeships will be reduced to 5 with the next vacancy.

⁹ These figures do not take into account the pending loss of a judge in the 68th District.

70th District Court – Saginaw County Michigan

SUMMARY AND RECOMMENDATIONS:

We recommend the reduction of one judgeship for the 70th District Court by attrition.

The caseload in Saginaw County is declining and the population is stagnant. Furthermore, this district has a large number of judges for its caseload.

The 70th District Court serves Saginaw County. It is divided into two election divisions: one division consists of the cities of Saginaw and Zilwaukee, as well as the townships of Buena Vista, Carrollton, and Bridgeport; the other division comprises the remainder of Saginaw County.

Between 1990 and 2000, the population of Saginaw County decreased by 0.9 percent, from 211,946 to 210,039. From 2000 to 2002 the estimated population increased to 210,087, a .02 percent increase.

Currently, the 70th District Court is served by six judges. The following tables provide a more complete description of judicial resources in Saginaw County.

Judicial Workload Estimates for the 70th District Court			
Court	One Year Adjusted Weighted Caseload	Three Year Adjusted Weighted Caseload	Current Judgeships
D70 – Saginaw County	3.82	3.83	6.0

Judicial Workload Estimates for all Courts Within the 70th District Court			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need
D70 - Saginaw County	3.83	6.00	-2.17
C10 and Saginaw Probate	6.57	7.00	-0.43
D70, C10, and Saginaw Probate Totals	10.40	13.00	-2.60

90th District Court – Emmet and Charlevoix Counties

SUMMARY AND RECOMMENDATION:

We recommend no change in judgeships for the 90th District Court.

The caseload in the 90th District Court does not currently warrant additional judicial resources. If current population trends continue, an additional judgeship may be warranted at some future time.

The 90th District Court serves Emmet and Charlevoix counties. Between 1990 and 2000, the population of Emmet and Charlevoix counties increased by 23.7 percent, from 46,508 to 57,527. From 2000 to 2002, the population is estimated to have increased by 2.1 percent to 58,715.

The following tables provide further information on the judicial workload in the area covered by the 90th District Court.

Judicial Workload Estimates for the 90th District Court			
Court	One Year Adjusted Weighted Caseload	Three Year Adjusted Weighted Caseload	Current Judgeships
D90 – Charlevoix and Emmet Counties	1.82	1.82	1.0

Judicial Workload Estimates for all Courts Within the 90th District Court			
Court	Three Year Adjusted Weighted Caseload	Current Judgeships	Net Judicial Need
D90 - Charlevoix County	0.84		
D90 - Emmet County	0.98		
D90 Total	1.82	1.00	0.82
C33 and Probate District 7 - Charlevoix	1.30		
C57 and Probate District 7 - Emmet	1.46		
C33, C57, and Probate District 7 Total	2.76	3.00	-0.24
Total Judicial Resources	4.58	4.00	0.58

IV. LEGISLATIVE PROCESS

Timetable

The creation of a new trial court judgeship is a two-step process requiring statutory authorization by the state Legislature and approval by the local governments that fund the court. Under the present statutory deadlines¹⁰ for changes in the number of judgeships recommended to take effect January 1, 2005, local resolutions of approval must be filed by 4:00 p.m. on April 13, 2004. Significant dates concerning new judgeships commencing January 1, 2005, are as follows:

Incumbency filing deadline.....	5:00 p.m., March 22, 2004
Local resolution deadline for 2005 new judgeships.....	4:00 p.m., April 12, 2004
Non-incumbent filing deadline.....	4:00 p.m., April 27, 2004
Primary election.....	August 3, 2004
General election.....	November 2, 2004
Judge Takes Office.....	January 1, 2005

Local Authorization

The statutes provide that an additional judgeship shall not be authorized to be filled by election unless a resolution approving the creation of the judgeship is approved by the local funding unit. The resolution must be filed with the State Court Administrator.¹¹

Filing Deadlines

Non-incumbent candidates for trial court judgeships or the Court of Appeals must file nominating petitions with the Secretary of State by 4:00 p.m. of the fourteenth Tuesday preceding the primary election (April 27, 2004). Incumbents must file their affidavits of incumbency on or before 134 days before the primary (March 22, 2004).¹²

V. COST OF ADDING A JUDGESHIP

The current method of trial court funding in Michigan requires counties and local municipalities to appropriate the significant share of the cost of trial court operations. The state pays the costs of judges' salaries.

¹⁰ All deadlines are set by statute and are subject to adjustment by the Legislature.

¹¹ MCL 600.550 (Circuit Courts), MCL 600.805(Probate Courts), MCL 600.8175(District Courts).

¹² MCL 168.413, MCL 168.413a (Circuit Courts); MCL 168.433, MCL 168.433a (Probate Courts); MCL 168.467b, MCL 168.467c (District Courts).

State Cost

The state portion of the cost of new judgeships includes state base pay ranging from \$88,642 for District Judges to \$90,242 for Circuit and Probate Judges. In addition, the state provides reimbursement (standardization) payments to funding units in the amount of \$45,724 to offset the cost of judges' local pay. The state is responsible for the employer's share of FICA taxes (OASI and Medicare), and contributions for retirement.¹³ On average a judge receives approximately \$600 a year for travel reimbursement.

The following table gives a breakdown of costs to the state per judge.

Court Type	Annual Cost Per Judge					Total
	Salary	Reimbursement (Standardization) Payment	FICA	Travel	Retirement Contribution	
Circuit	94,195.00	45,724.00	7,422.83	600.00	9,794.33	157,736.16
Probate	94,195.00	45,724.00	7,422.83	600.00	9,794.33	157,736.16
District	92,548.00	45,724.00	7,398.94	600.00	9,679.04	155,949.98

Local Costs

Significant local costs are associated with the addition of a judgeship. Local costs for the addition of a trial court judgeship may be higher than state costs, both in terms of "one-time" costs and ongoing, annual costs. It is difficult to provide a set cost per judge. Personnel costs are a significant portion of trial court operational costs. Variation in salary rates, and staffing levels, result in substantial differences in annual support costs from location to location.

¹³ New judges are enrolled in the defined contribution plan. The estimate assumes the highest state contribution plan.